

Libby Community Advisory Group

Meeting Summary

August 12, 2004

Introductions

Gerald Mueller and members of the Libby Community Advisory Group (CAG) introduced themselves. A list of the members in attendance is attached below as Appendix 1.

Agenda

The CAG agreed to the following agenda for this meeting:

- EPA Report
- TAG Report
- CARD Report
- Lamp Report
- ARD Net Report
- CAG Topic Review
- Public Comment

EPA Report

Jim Christiansen reported on behalf of EPA on the following topics.

Introduction - Mr. Christiansen introduced Craig Myers, an EPA On-Scene Coordinator. In Libby, Mr. Myers will be managing complicated cleanups including the Stimson and some of the residential cleanups.

Residential Cleanups - So far this year 65 properties have been cleaned, a pace behind the targeted level. The slower than anticipated rate is due to the delay in hiring new cleanup contractors and to soil cleanups that have been larger than expected. Once the new contractors are working, the pace will increase, but EPA may not be able to meet its residential cleanup target for this year.

Flyway Cleanup - W.R. Grace is cleaning the flyway property and is about one quarter finished. Some dust control issues have been addressed including oiling the mine road. EPA is generally satisfied with the cleanup effort to date.

Screening Plant - Restoration work is underway on the Parker property, including the mine side of highway 37.

Stimson Cleanup - EPA solicited comments on whether to proceed with the cleanup of the Stimson property now. Few were received. EPA has decided to proceed with the cleanup now. The Port Authority is presently deciding whether to demolish the central maintenance building. A cleanup plan for the property should be completed this spring. The Port Authority is developing a land use plan for the Stimson property. EPA has extended an invitation to it to present its plan to the CAG, and the Port Authority agreed to do so at a future meeting.

Moto-Cross/BMX Track - Construction of the track is underway. EPA is fencing the nearby nursery site which is contaminated with asbestos.

New Cleanup Contracts - The award of the new contracts for cleanup work has been made to three small businesses. A fact sheet on the contracts will be available next week at the EPA Information Center.

Operation and Maintenance Workgroup (O&MW) - The CAG has expressed concern that someone might unknowingly rent a house contaminated with asbestos, and requested development of a plan for notifying renters of possible asbestos contamination. The O&MW has developed a renter notification plan. The plan does not rely on a single notification mechanism,

using instead a combination of approaches including placing ads in the local papers, putting notices in local grocery stores, requesting a resolution by the county commission and city council, using the EPA Question and Answers published in the local newspaper, and putting information in the EPA Information Center.

Audience Member Comment - I understand that the Port Authority is planning to tear down and salvage the Stimson shop building. Given the asbestos contamination, I don't understand how they could get permission to do so.

Response - I share your concern about the possible tear down and salvage. In some instances such as the overhead crane and some of the timbers, pressure washing may be sufficient to eliminate the contamination. However, in others such as the ship lap, salvage may not be appropriate, and disposal may be required. We don't have all of the answers yet but will scrutinize the Port Authority's plans carefully.

CAG Member Question - At our house EPA replaced contaminated soil with river silt contaminated with weed seed. We have been unable to plant flowers. What is going to happen?

Answer - We are aware of the problem. We are having difficulty finding clean topsoil in Libby but are committed to dealing with this problem. Soil excavation has occurred at a number of properties, but we have not yet replaced the top soil. In the short term, we plan to use top soil from Eureka. For the long term, we may use clean Libby soil and augment it with organic matter to bring it to top soil quality.

CAG Member Question - A recent Western News story stated that over time EPA expects to go to one residential cleanup contractor. Is that correct?

Answer - We do expect that we will have long-term continuity with the cleanup contractor(s). However, at present we hired three contractors so that if one failed to perform, we can continue to get work done.

CAG Member Comment - I want to thank Jim and Wendy for the cleanup work EPA has done in Libby's schools. When the cleanups were completed, EPA provided each school five commercial vacuums to keep it clean. The school district could not have afforded these vacuums on its own.

TAG Report

Gordon Sullivan reported on behalf of the TAG on the following subjects:

TAG Board Training - The TAG Board recently completed a training session during which the TAG goals and requirements were discussed. The Board agreed to conduct another training session in about three months.

Health and Safety Committee - The TAG has established a health and safety committee including one of its members and CDM's Site Health and Safety Officer, Shawn Oliveira, who is responsible for protecting workers by evaluating containment and job safety. This committee will address issues of worker safety.

Response Document - The TAG Board is continuing to review the response document, which explains the technical issues that the TAG is investigating on behalf of the Libby community. When the Board is satisfied with this document, it will be given to the EPA.

Risk Assessment - Mr. Sullivan has been preparing for the meeting in September with EPA and CDM officials to discuss the risk assessment.

Meeting with Geoff McKenzie - Mr. Sullivan and Gayla Benefield, the chair of the TAG Board, recently met with Geoff McKenzie, CDM's Design Manager who is responsible for overseeing preparation of the cleanup work plan and ensuring that the EPA cleanup criteria are applied to each property.

TAG Concerns - The TAG is formalizing its concerns related to the cleanup and will be submitting them in writing to EPA. It expects a written response to the concerns. The TAG has begun a dialogue with EPA.

Comment by Jim Christiansen - From EPA's perspective, more has been accomplished than just beginning a dialogue with the TAG. Some EPA activities have been changed as a result of TAG comments.

CARD Clinic Report

Mike Giesey, President of the CARD Clinic Board of Directors, reported on behalf of the CARD Clinic on the following topics.

DC Trip - A group including Dr. Brad Black and Pat Cohan from CARD, Dr. Whitehouse, a researcher from the University of Montana, and others recently traveled to Washington DC to visit with our Congressional delegation and federal agency heads about Libby-related research. The meetings went well. Our delegation supported our interest in an asbestos disease-related clinical research facility in Libby.

Committee For Asbestos-Related Research (CFAR) - CFAR, which is a group of researchers interested in Libby and asbestos disease, is continuing to generate interest in our asbestos disease problems. A recent conference on asbestos disease held in Italy included a break-out session on Libby. In September, we will convene the second CFAR conference in Libby.

UM MOU - CARD is developing a memorandum of understanding with Dr. Holian and Dr. Putnam of the University of Montana Center for Environmental Health Sciences concerning asbestos disease-related research.

LADC Funding - CARD has requested funding from the \$8 million fund administered by the Lincoln Area Development Corporation to support asbestos disease-related research. Specifically, funding was requested to create a health related data base and to purchase refrigerators to hold tissue samples. We are not sure if the funding will be forthcoming. LADC has said that it is determining if any of the \$8 million remains.

CARD Activities - In our meetings with the LADC, concerns were expressed about CARD activities such as the number of patients we see each day. The number averages about 15 patients per day. If anyone has questions about CARD activities, please contact us.

Audience Member Comment - Perhaps the community should ask for an audit of the \$8 million fund.

CAG Member Question - Is CARD willing to accept a loan instead of a grant from the LADC?

Answer - Yes. A loan would be an expression of local support, and local support is important for obtaining grants from sources outside the Libby community.

LAMP Report

LeRoy Thom reported on behalf of the Libby Area Medical Plan (LAMP). The purpose of LAMP is to supplement the W.R. Grace medical plan using the \$2.75 million provided by the EPA-W.R. Grace consent decree. From January 1 through June 30, 2004, LAMP paid out a total of \$67,984.91, including \$51,767.02 to St. John's Lutheran Hospital, \$11,084.95 to CARD, and \$5,132.94 to others. LAMP has \$2,644,876.42 in a bank account that is receiving 1.55% interest. LAMP currently has 476 members. Of these, 185 have the screening benefit, 290 have the supplemental benefit, and one has the \$25,000 benefit. Through LAMP's efforts, three people who were denied coverage by the W.R. Grace medical plan were reinstated in the program.

CAG Member Question - Does LAMP pay for Cat-scans and X-rays at St. John's Lutheran Hospital?

Answer - Yes.

CAG Member Question - Does LAMP pay for acute care?

Answer - No.

ARD Net Report

Helen Clark shared with the CAG a letter drafted by the Asbestos Related Disease Network to Dr. J. Jay Flynn of the Health Network of America, the third party administrator for the W.R. Grace medical plan. The letter seeks answers to questions about eligibility for benefits under the W.R. Grace medical plan and related issues. A copy of the letter is attached below in Appendix 2. Ms. Clark asked the CAG to lend its support to the letter by agreeing to sign it.

CAG Action - The CAG voted unanimously to support sending the letter. Individual CAG members present agreed to sign the letter and authorized Gordon Sullivan to sign it on behalf of the CAG as a group.

CAG Topic Review

Gerald Mueller stated that in preparing for this meeting, he went back and read recent meeting summaries to identify ongoing or unresolved CAG topics. He noted that some have been addressed at this meeting, but some have not. The list of topics together with the agency responsible for addressing each one according to the past meeting summaries is as follows:

<u>Topic</u>	<u>Entity Responsible for Address the Topic</u>
• Status of the Cleanups	EPA
1. Residential/commercial buildings	
2. Flyway property	
3. Railroad yard/tracks	
• Cleanup budget & funding (letters & resolution to Administrator)	EPA & community groups
• Administrator's visit	EPA
• New cleanup contracts	EPA
• Analytical methods (soil sampling)	EPA & TAG
• Risk assessment	EPA & TAG
• Funding for the asbestos disease-related clinical research facility in Libby	CARD & UM
• Stimson property site utilization plan	Port Authority
• Attorney General legal review of the declaration of a public health emergency and funding for long-term health care	CAG subcommittee
• O&M plan	O&M Work Group

CAG members then identified four other topics to include on this list:

- The cleanup completion letter
- Possible criminal investigation by the Montana Attorney General of W.R. Grace
- The disposition of the community letters and resolution collected to present to the EPA Administrator
- Rebuilding the CAG membership

CAG Member Question - Has the cleanup clearance letter been written?

Answer by Jim Christiansen - The letter has been written and is being sent out to property owners after the cleanup is finished. The letter specifies what was done during the cleanup and that it is complete. I will check to see that it is sent to all property owners whose property has been cleaned. I will also bring to the next CAG meeting the letter along with the packet of information provided to property owners when cleanup is completed.

Audience Member Question - If someone is not satisfied with the cleanup, do they still get the cleanup clearance letter?

Answer by Jim Christiansen - Yes.

CAG Member Question - Has the Administrator's visit to Libby been rescheduled?
Answer by Jim Christiansen - Due to matters of national security, we cannot discuss the Administrator's travel. If one has a question about this, please call (202)564-9828.

Audience Member Comment - I was told today by a source that I consider to be reliable that the Administrator is coming to Libby tomorrow.

Audience Member Comment - We were told that Senator Baucus' approval of Administrator Leavitt's confirmation depended on a promise by him to visit Libby and talk with Libby people. How will the Administrator fulfill this commitment if he doesn't announce his visit ahead of time and won't talk with us when he comes?

CAG Member Comment - This community was united in preparing the letters and resolution. Businesses up and down main street read the resolution carefully before signing it. Many decided in addition to signing to write their own personal letter. I will be outraged and embarrassed if the Administrator comes and we are not able to present the letters and resolution to him.

CAG Member Comment - We should remember that the letters and resolution have already had a big effect, the cleanup budget for this year was increased by \$4 million.

Audience Member Comment - The Administrator still needs to see the letters and resolution. Please help us to get them into his hands.

Audience Member Comment - We are fighting for our lives, but we can't get people up the ladder to care. Wendy and Jim, we jump on you at times because you are the only ones available, but we are at our wits end.

CAG Member Comment - There are too many empty seats here tonight. People won't speak up.

Public Comment

Audience Member Comment - A downtown business that competes with Millwork West has to get permits from the City and EPA which were not required for Millwork West.

Next Meeting

The next CAG meeting is scheduled for 7:00 to 9:00 p.m. on Thursday, September 9, 2004 in the Ponderosa Room of Libby City Hall. One agenda topic will be the membership on the CAG. The current CAG membership is listed in Appendix 3 below.

Appendix 1

CAG Member & Guest Attendance List

August 12, 2004

Members	Group/Organization Represented
Mike Giesey	CARD
K.W. Maki	Libby Schools
Gordon Sullivan	Self and TAG
Ken Hays	Senior Citizens
David F. Latham	<i>The Montanian Newspaper</i>
Wendy Thomi	EPA Community Involvement
Jim Christiansen	EPA Project Manager
Craig Myers	EPA
LeRoy Thom	Former Grace Employee
Gary D. Swenson	Libby Voluntary Fire Department
Norita Skramstad	Self
Eileen Carney	State Representative

Appendix 2

July 23, 2004

J. Jay Flynn M.D.
Health Network of America
246 Industrial Way West
Eatontown, NJ 07724

Dear Dr. Flynn,

As we discussed with you at the meeting on June 28th, 2004, the Asbestos Related Disease Network (ARD Net) would like to present to you the following questions and concerns regarding the Grace Libby Medical Program. We would greatly appreciate your taking the time to answer these questions in writing, so that the answers will be clearly understood and accurately conveyed to members of the Grace Libby Medical Program.

1. ARD Net is presenting these questions on behalf of Grace Libby Medical Program members because some members have told us they are afraid to ask for benefits they thought they were entitled to, or ask any questions at all, because they are fearful about having their case scrutinized (audited) and losing benefits they currently receive from the Grace Libby Medical Program. It has also been our experience, that this practice may be occurring, and people are being denied benefits now that were previously being covered. Why is this happening?
2. Following your presentation, an individual approached us with the following question. He asked us to convey to you a question regarding your first slide, which emphasized that Dr. Obermiller was the first doctor to get a patient accepted onto the Grace Libby Medical Program. How many other people have been accepted into the Grace Libby Medical Program through the assistance of Dr. Obermiller?
3. Medicare typically sets the standards that private and group insurance companies look to in implementing benefit packages. Would HNA be willing to include all services covered by Medicare as covered benefits of the Grace Libby Medical Program? For example:
 - a. HNA is now purchasing oxygen concentrators by putting a cap on payment after 13 months. This is in contrast to renting them indefinitely as Medicare does since doing so guarantees the equipment will be serviced and includes any additional supplies (canulas, tubing, etc.). How will these things be covered under the Grace Libby Medical Program when the oxygen providing companies will not service the equipment that does not belong to them nor are they able to offer free ongoing needed supplies? Should the concentrator blow up in the middle of the night, whom would the patient call? And what about people who are covered by an oxygen provider who do not have a special contract with HNA?
 - b. HNA does not cover home health social work services, mental health counseling, etc., and Medicare does. Could you address the omission of these services from the Grace Libby Medical Program?
 - c. Medicare -and other private insurances- are required to give written notification before changes in coverage, eligibility, or benefits are implemented. Why doesn't the Grace Libby Medical Program practice this way and would the Grace Libby Medical Program be willing to implement this policy?
 - d. Would you be willing to set standards that are at least consistent with Medicare?

4. We request that you publish and strictly adhere to the plan document so that plan members can know what to expect.
 - a. The Grace Libby Medical Program's printed booklet has previously not been available for distribution for many months. Some businesses (hospice providers, nursing homes, and all providers of asbestos related healthcare) need updated copies of this plan document to operate from, and are confused when written information about payment schedules and covered services are not provided. Are these booklets available at this time? If not, when can you guarantee they will be available?
 - b. We also request that you notify all members of the Grace Libby Medical Program and "high-use" providers in writing when criteria and/or benefits change.
5. How can someone on the Grace Libby Medical Program be denied benefits because they have no signs of an Asbestos Related Disease (ARD), when in order to be accepted on to the Program, the HNA selected radiologists must have previously concurred that the individual has an ARD? How can these contradictory opinions within the same program be a justifiable reason to deny members plan benefits? We would also like for you to address how healthcare decisions can be primarily based on radiography.
6. Why aren't the determinations made by the Center for Asbestos Related Disease (CARD) about what medical care patients need related to their ARD acceptable to HNA? Why must the individuals travel several hours away to have these things determined by a doctor who has not been following their case?
7. Since HNA monitors members' level of medical care and needs, why don't they notify the members when they are eligible to upgrade to level 02 prescription benefits? Most plan members do not know when or how to request this upgrade. Is it possible for HNA to implement this benefit more effectively?
8. Would it be possible to "pre-approve" (guarantee to cover) pulmonary rehabilitation services if a local organization was willing to put forth the considerable effort and expense to establish a pulmonary rehabilitation program here in Libby?
9. Based on information gathered at the June₂₈th meeting, it is our understanding that all members on the Grace Libby Medical Program are undergoing an audit. It is also our understanding that based on the results of these audits; there will basically be 3 different categories of Grace Libby Medical Program benefits:
 - a. Category 1 will be the current medical benefits outlined in the plan document with level 01 prescription benefits.
 - b. Category 2 will be the current medical benefits outlined in the plan document with level 02 prescription benefits.
 - c. Category 3 will be those people who are denied most plan benefits because HNA has subsequently determined that they do not have asbestos related diseases. Did we hear you correctly that these people may only be eligible for an annual type of screening benefit? And would these plan members still receive medications such as antibiotics and maintenance respiratory medications? This possibility has created a great deal of stress for Grace Libby Medical Program members who would like to know how their benefits are going to be changed. Could HNA inform us of their plans and give us a timeline of when this would become effective? Also, how will individuals know if

they are suddenly changed to this status? It is important for them to know this information in advance of having medical needs so they can financially prepare to have medical needs covered by another source, if the Grace Libby Medical Program does not plan to cover them.

- d. In addition, how will providers know what services are covered for which patients on the Grace Libby Medical Program?
10. The ARD Network and plan members appreciate the “pilot program” benefit in which HNA has offered 50 members health club benefits as part of the benefits package they receive under the Grace Libby Medical Program. We are interested in knowing how long this trial program will be in effect before a determination can be made as to whether or not this benefit will be offered to all members of the Grace Libby Medical Program. Also, we have received inquiries from members who do not live in Libby asking if there might be some way for them to utilize this benefit, since they obviously cannot visit the Montana Athletic Club in Libby regularly. Are there currently any options for them?

We realize there are many questions listed here regarding the Grace Libby Medical Program, but because the plan appears to be constantly changing, we would like to clear up any confusion that exists. Having these questions answered will help plan members and local providers most effectively and efficiently work in conjunction with your staff to utilize the Grace Libby Medical Program. Thank you once again for taking the time to address our questions and concerns.

Sincerely,

The Asbestos Related Disease Network

Appendix 3

Community Advisory Group Members 8/20/04

Gayla Benefield

Lincoln County Asbestos Victims Relief
Organization
245 Cedar Meadow Rd.
Libby, MT 59923
Ph: (406)293-5535
E-mail: gaylab@libby.org

Eileen Carney

State Representative, Dist. 82
P.O. Box 1193
Libby, MT 59923-1193
Ph: (406) 293-6407
E-Mail: jecarney@libby.org

Mike Giese

Center for Asbestos Related Disease
8555 Bull Lake Road
Troy, MT 59935
Ph: (406) 295-7441 (work)
(406) 295-3058 (home)
mgiesty_card@hotmail.com

Kenny Hays

Libby Senior Citizens
1508 Kaniksu
Libby, MT 59923
Ph: (406) 293-5321

David Latham, Editor

The Montanian
P.O. Box 946
Libby, MT 59923
Ph: (406) 293-8202
Fax: (406) 293-8202 (call first)
E-mail: montanian@libby.org

Kirby Maki, Superintendant

Libby School District
724 Louisiana Ave.
Libby, MT 59923
Ph: (406) 293-8811
Fax: (406) 293-8812
E-mail: sd4@libby.k12.mt.us

Clinton Maynard

Area Asbestos Research Group
1116 Louisiana Avenue
Libby, MT 59923
Ph: (406) 293-9545

Norita Skramstad

Asbestos Victims
3647 S. Hwy 2
Libby, MT 59923
Ph: (406) 293-6602

Gary D. Swenson

252 Cherry Creek Drive
Libby, MT 59923
Ph: (406) 293-7983
E-mail: swensonb@aol.com

Gordon Sullivan

Technical Advisor for the Libby Area
Technical Assistance Group
143 Crossway Ave.
Libby, MT 59923
Ph: (406) 293-3768
gordsull@yahoo.com

Leroy Thom

Former Union President
143 Park St.
Libby, MT 59923
Ph: (406) 293-8731 (work)
(406) 293-9174 (home)
Fax: (406) 293-8733
E-mail: montmac@libby.org

Groups no longer represented on CAG:

Libby ministries
City of Libby
Lincoln County
Realtors
Libby businesses
Lumber and Sawmill Workers
St. John's Lutheran Hospital
Economic development interests

Community Advisory Group Resources

U.S. Environmental Protection Agency

Jim Christiansen

U.S. EPA Region 8 (8EPR-SR)
999 18th St.; Suite 300
Denver, CO 80202-2466
Ph: (303) 312-6747 (office)
Fax: (303) 312-6898
E-mail: christiansen.jim@epa.gov

Peggy Churchill

U.S. EPA Region 8 (8EPR-SR)
999 18th St.; Suite 300
Denver, CO 80202-2466
Ph: (303) 312-6137 (office)
Fax: (303) 312-6898
E-mail: churchill.peggy@epa.gov

Craig Myers

U.S. EPA Region 8 (8EPR-PA)
999 18th St.; Suite 300
Denver, CO 80202-2466
Ph: (303) 312-7067 (office)
Fax: (303) 312-6071
E-mail: myers.craig@epa.gov

Wendy Thomi, Community Involvement

U.S. EPA Region 8 - Montana Office
10 W. 15th ; Suite 3200
Helena, MT 59626
Ph: 1-866-457-2690 ext. 5037
Fax: (406) 457-5056
E-mail: thomi.wendy@epa.gov

Dr. Aubrey Miller, Medical Advisor

U.S. EPA Region 8 (8EPR-PS)
999 18th St.; Suite 300
Denver, CO 80202-2466
Ph: (303) 312-7023
Fax: (303) 312-6065
E-mail: miller.aubrey@epa.gov

Information Center

Linda Newstrom

CDM Federal
EPA Information Center
501 Mineral Ave.
Libby, MT 59923

Ph: (406) 293-6194
Fax: (406) 293-5668
E-mail: rodriguez-newstroml@cdm.com

Agency for Toxic Substances and Disease Registry

Dan Strausbaugh

10 W. 15th St.; Suite 3200
Helena, MT 59626
Ph: 1-866-457-2690 ext. 5007
Fax: 406- 457-5055
E-mail: strausbaugh.dan@epa.gov

Montana Department of Environmental Quality

Kevin Kirley

DEQ
P.O. Box 200901
Helena, MT 59620
Ph: (406) 841-5035
Fax: (406) 841-5050
E-mail: kkirley@state.mt.us

Montana Department of Public Health and Human Services

Dr. Mike Spence

State Medical Officer
111 North Sanders
P.O. Box 4210
Helena, MT 59604
Ph: (406) 444-1286
Fax: (406) 444-0272
E-mail: mspence@state.mt.us

U.S. Public Health Service

Bill Daniels, Industrial Hygienist

Public Health Service, Region 8
1961 Stout Street; Room 498
Denver, Colorado 80294-3538
Phone: 303-844-7851
Fax: (303) 844-2019
E-mail: bdaniels@osophs.dhhs.gov

Lincoln County Env. Health Dept.**Ron Anderson, Director**

Lincoln County Env. Health Dept.
418 Mineral Ave.
Libby, MT 59923
Ph: (406) 293-7781 Ext.230
Fax: (406) 293-5340
E-mail: lcdeh@libby.org

CAG Facilitator**Gerald Mueller**

Consensus Associates
440 Evans Ave.
Missoula, MT 59801
Ph: (406) 543-0026
Fax: (406) 543-0026
E-mail: gmueller@montana.com

Center for Asbestos Related Disease**Pat Cohan**

Clinic Coordinator for Asbestos Related
Disease (CARD)
350 Louisiana Ave.
Libby, MT 59923
Ph: (406) 293-9274
E-Mail: pat.cohan@sjlh.coms

Web Pages

<http://www.epa.gov/region8/superfund/libby/>

W.R. Grace**Alan Stringer**

W.R. Grace
317 Mineral Ave.
Libby, MT 59923
Ph: (406) 293-3964
Fax: (406) 293-3749